

House Bill 1310

By: Representative Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act revising, superseding, and consolidating the laws relating to the governing
2 authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended,
3 particularly by an Act establishing the form of government of DeKalb County and fixing the
4 powers and duties of the officers constituting the governing authority of DeKalb County,
5 approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to revise the qualifications
6 for the chief executive officer and members of the county commission; to revise the
7 composition of the county commission and the commission districts; to provide for certain
8 elections; to revise the powers and duties of the county commission and chief executive
9 officer; to provide that contracts with outside auditors shall be signed by the auditor and the
10 presiding officer of the county commission; to authorize the chief executive officer and
11 county commission to refer certain acts for prosecution; to revise provisions concerning the
12 qualifications of the executive assistant; to provide for related matters; to provide for a
13 referendum; to provide for submission for preclearance under the federal Voting Rights Act;
14 to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 An Act revising, superseding, and consolidating the laws relating to the governing authority
18 of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly
19 by an Act establishing the form of government of DeKalb County and fixing the powers and
20 duties of the officers constituting the governing authority of DeKalb County, approved
21 April 9, 1981 (Ga. L. 1981, p. 4304), as amended, is amended by revising Section 2 as
22 follows:

23 "(a) The commission shall consist of nine members who shall be elected by the electors
24 of their respective districts.

25 (b) For purposes of electing members of the board of commissioners, DeKalb County is
26 divided into nine commissioner districts. One member of the board shall be elected from

each such district. Commissioner Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9 shall be and correspond to those nine numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: dekcc07prop7 Plan Type: Local User: Gina Administrator: H082.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of DeKalb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of DeKalb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(d) Each commissioner shall be a citizen of this state, at least 25 years of age, and shall have been a resident of the geographic area encompassed by the respective commissioner district for at least one year prior to taking office. Each commissioner shall be elected by a majority of the electors voting within the respective commissioner district. Except for displacement of their residences from their respective commissioner districts due to reapportionment of the districts, any commissioners who cease to be residents of their respective commissioner districts during their terms of office shall thereby vacate their seats on the commission. All members of the commission shall be nominated and elected pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

SECTION 2.

Said Act is further amended by revising Section 3 as follows:

1 "SECTION 3.

2 (a) Commissioner Districts 1, 2, 3, 4, 5, 6, and 7, as they exist on January 1, 2009, shall
3 continue to be designated as Commissioner Districts 1, 2, 3, 4, 5, 6, and 7, respectively, but
4 as newly described under this Act and such members of the board serving from those
5 former commissioner districts shall be deemed to be serving from and representing their
6 respective districts as newly described under this Act.

7 (b) Those members of the Board of Commissioners of DeKalb County who are serving as
8 such on January 1, 2009, and any person selected to fill a vacancy in any such office shall
9 continue to serve as such members until the regular expiration of their respective terms of
10 office and until the election and qualification of their respective successors. The successor
11 to each such member shall be elected as provided in this section.

12 (c) The first members for new Commissioner Districts 2, 3, and 7 shall be elected at the
13 general election on the Tuesday next following the first Monday in November 2010. Those
14 members of the board elected thereto from new Commissioner Districts 2, 3, and 7 in 2010
15 shall take office the first day of January immediately following that election and shall serve
16 for initial terms of office which expire December 31, 2014, and upon the election and
17 qualification of their respective successors.

18 (d) The first members for new Commissioner Districts 1, 4, 5, and 6 shall be elected at the
19 general election on the Tuesday next following the first Monday in November 2012. Those
20 members of the board elected thereto from new Commissioner Districts 1, 4, 5, and 6 in
21 2012 shall take office the first day of January immediately following that election and shall
22 serve for initial terms of office which expire December 31, 2016, and upon the election and
23 qualification of their respective successors.

24 (e) The first members for new Commissioner Districts 8 and 9 shall be elected at a special
25 election to be held on the third Tuesday in March 2009. Those members of the board
26 elected thereto from new Commissioner Districts 8 and 9 in 2009 shall take office on the
27 first day of April immediately following that election and shall serve for initial terms of
28 office which expire December 31, 2010, and upon the election and qualification of their
29 respective successors.

30 (f) Those and all future successors to members of the board whose terms of office are to
31 expire shall be elected by the electors of their respective districts at the time of the
32 state-wide general election immediately preceding the expiration of such terms, shall take
33 office the first day of January immediately following that election, and shall serve for terms
34 of office of four years each. Members of the board shall serve for the terms of office
35 specified therefor in this subsection and until their respective successors are elected and
36 qualified."

SECTION 3.

Said Act is further amended by revising subsection (a) of Section 5 as follows:

"(a) The chief executive of DeKalb County shall be a citizen of this State, at least 30 years of age, and shall have been a resident of DeKalb County for at least two years immediately prior to taking office. The chief executive shall be elected by a majority of the electors voting from the county at large. The chief executive shall be nominated and elected pursuant to Chapter 21-2 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

SECTION 4.

Said Act is further amended by adding new paragraphs (20) through (25) to subsection (a) of Section 9 as follows:

"(20) To oversee and, where necessary, to investigate the operations of the chief executive and departments, authorities, or similar divisions of the county government. To effect the purposes of this paragraph, the commission may, through its presiding officer and upon the vote of three commissioners, issue subpoenas to compel the attendance of and to receive testimony from witnesses. Upon the affirmative vote of at least four members of the commission, the commission shall be authorized to refer to the superior court contempt proceedings for alleged violations of any subpoena issued pursuant to this paragraph, and the superior court shall conduct a hearing on the referred violation in the same manner as it would for an alleged violation of a subpoena issued by the clerk of superior court. The commission is authorized to draft the form of its subpoena, which shall be substantially similar in form to subpoenas issued by the clerk of superior court.

(21) To issue calls for agenda items, which list it shall prepare and publish, and the same shall serve as the agenda for the commission unless superseded by subsequent action of the commission.

(22) To fix the compensation of the executive assistant and the county attorney.

(23) To fix the compensation of administrators appointed by the chief executive pursuant to subsection (f) of Section 14 of this Act.

(24) Subject to the regulations of the Merit System of DeKalb County and budgetary limitations, to fix the compensation of the planning director, finance director, and merit system director.

(25) To fix the compensation of persons filling offices and positions created by state statutes within budgetary limitations when such state statutes authorize or require such compensation to be fixed by county governments or by county governing authorities."

SECTION 5.

Said Act is further amended by revising subsection (b) of Section 10 as follows:

"(b) The outside auditor shall be employed pursuant to written contract to be signed by the auditor and the presiding officer of the commission and to be entered upon the minutes of the commission. The contract shall state clearly and concisely the depth and scope of the audit and that it shall be conducted in accordance with the requirements of the Act providing uniform standards for audits of municipalities and counties within the State of Georgia, approved April 21, 1967 (Ga. L. 1967, p. 883), as amended, by an Act approved March 28, 1968 (Ga. L. 1968, p. 464). The auditor shall immediately inform the commission in writing of any irregularities found in the management of county business by an officer or department of the county government."

SECTION 6.

Said Act is further amended by adding a new subsection (e) to Section 10 as follows:

"(e) The commission shall be authorized to refer for prosecution alleged violations of this Act, county ordinances, and other laws of this state or of the United States to the appropriate law enforcement agency."

SECTION 7.

Said Act is further amended by revising subsection (a) of Section 11 as follows:

"(a) The chief executive shall have no vote at any regular or specially called meeting of the commission unless the members of the commission are equally divided. Even when the members of the commission are equally divided, the chief executive may not vote on a matter which is not subject to veto by said officer under the provisions of subsection (d) of Section 15 of this Act."

SECTION 8.

Said Act is further amended by revising subsection (c) of Section 11 as follows:

"(c) The presiding officer shall preside at meetings of the commission and shall have the following additional duties:

- (1) To convene such special meetings of the commission as are deemed necessary, but all members shall be notified at least three days in advance of any such special meeting;
- (2) To appoint the members and chairmen of such committees of the commission as the commission, by its rules, may establish and fill vacancies therein, but any such appointments may be rejected by a majority vote of the total membership of the commission;

1 (3) To compel the attendance of members at meetings of the commission by subpoena,
2 if necessary, and to refer for prosecution alleged violations of such subpoena to the
3 superior court, subject to the policy of the commission as established by its rules; and
4 (4) To exercise such other powers and duties as may be assigned to the presiding officer
5 by ordinance or rules and regulations of the commission."

6 **SECTION 9.**

7 Said Act is further amended by revising Section 12 as follows:

8 "SECTION 12.

9 Meetings.

10 The commission shall hold regular meetings on the second and fourth Tuesdays of each
11 month at the county seat, which meetings shall be open to the public, and may hold such
12 additional meetings as shall be necessary when called by the chief executive, the presiding
13 officer, or any four members of the commission, but all members shall be notified at least
14 three days in advance of any such additional meeting. No official action shall be taken by
15 the commission except in a meeting which is open to the public. The presiding officer and
16 any three members of the commission, or any four members of the commission exclusive of
17 the presiding officer, shall constitute a quorum, except that a lesser number shall be sufficient
18 to recess or adjourn any meeting; but no official action shall be taken except upon the
19 affirmative vote of at least four members of the commission. The presiding officer shall be
20 entitled to the same voting rights as the commission members on questions considered by the
21 commission."

22 **SECTION 10.**

23 Said Act is further amended by revising Section 13 as follows:

24 "SECTION 13.

25 Powers and duties of the chief executive.

26 (a) The chief executive shall have the power, subject to the oversight authority of the
27 commission, to supervise, direct, and control the administration of the county government.
28 The chief executive shall carry out, execute, and enforce all ordinances, policies, rules, and
29 regulations of the commission when such ordinances, policies, rules, and regulations
30 become effective. No member of the commission shall directly or indirectly order, instruct,
31 or otherwise attempt to control the actions of county personnel subject to the administrative

1 and supervisory control of the chief executive, except pursuant to the commission's
2 oversight authority. Nothing herein shall be construed to preclude any commissioner from
3 obtaining from any person, including any employee of DeKalb County, information
4 necessary to provide ordinary constituent services and to establish policy. For purposes of
5 this subsection, the term 'ordinary constituent services' shall include, by way of example
6 and not of limitation, responding to constituent concerns and inquiries regarding the
7 ministerial activities of the administration, such as road repairs, traffic control device
8 management, licensing, and the like.

9 (b) Subject to the approval of the commission, the chief executive shall have the power to
10 change, consolidate, or abolish any departments, agencies, or offices over which the chief
11 executive exercises supervision and control, except that the department of finance shall be
12 maintained at all times as a separate and distinct department and may not be abolished by
13 the chief executive or by the commission. Subject to the approval of the commission, the
14 chief executive may create other departments, agencies, and offices, which departments,
15 agencies, and offices, when created, shall be under the supervision and control of the chief
16 executive.

17 (c)(1) Subject to confirmation by a majority vote of the commission, the chief executive
18 shall appoint the executive assistant and the county attorney. The executive assistant
19 shall be subject to the requirements of Section 14 of this Act. No member of the
20 commission or the commission itself shall be authorized to nominate persons for the
21 office of executive assistant or county attorney. Both of said officers shall serve at the
22 pleasure of the chief executive. The commission may also discharge either such officer
23 for cause, but the affirmative vote of at least five members of the commission shall be
24 required to discharge either such officer.

25 (2) Subject to confirmation by a majority vote of the commission, the chief executive
26 shall appoint the planning director, finance director, and merit system director. No
27 member of the commission or the commission itself shall be authorized to nominate
28 persons for any such position. All three of said officers shall be under the DeKalb
29 County Merit System.

30 (d) Subject to budgetary limitations and DeKalb County Merit System regulations, the
31 chief executive shall have exclusive authority to appoint and remove all employees and
32 officials of the county, except employees of the commission, and except that deputies and
33 employees of the elected county officers of DeKalb County shall be subject to
34 appointment, removal, supervision, and control of the respective elective county officers.

35 (e) The chief executive may convene special meetings of the commission when deemed
36 necessary, but all members shall be notified at least three days in advance of any such
37 special meeting.

(f) Reserved.

(g) The chief executive shall have the power to investigate the affairs, records, and expenditures of the various authorities, boards, councils, commissions, committees, and similar bodies or agencies, whether created by ordinance of the commission or by Acts of the General Assembly, relating to the affairs of the county and to report thereon to the commission.

(h) The chief executive shall represent the county in intergovernmental matters and shall seek to promote and improve the government of the county and encourage the growth of the county and promote and develop the prosperity and well-being of the citizens of the county.

(i) The chief executive, within 120 days after the close of each fiscal year, shall prepare and submit to the commission a complete annual report on the financial affairs and activities of the county for the immediately preceding fiscal year. The annual report shall show all income from all sources, including state, county, and federal funds, and all expenditures. The chief executive shall cause a summary of said annual report to be published in the official organ of DeKalb County. Said published summary shall state that a copy of the full report is available from the office of the chief executive. The chief executive shall also send copies of the full report to each branch of the county library. The chief executive shall also make financial reports during the year as may be required by the commission.

(j) The chief executive may recommend, at any time, to the commission for its formal consideration such measures or proposals as are deemed necessary or desirable to improve the administration of the affairs of the county.

(k) The chief executive shall devote full time to the duties of the office and shall have no other source of employment."

SECTION 11.

Said Act is further amended by revising Section 13A as follows:

"SECTION 13A.

(a)(1) When this Act or any other law of this state authorizes or requires a county governing authority, including any such law which refers to a local governing body with the intention of including a county governing authority, to appoint or elect a person to fill a post or vacancy in any public office or as a member of any public authority, board, commission, or other body or agency, such post or vacancy shall be filled as follows:

(A) The chief executive shall nominate a person by sending a written notice to the commission, and such notice shall specify the post or vacancy to be filled, the date such

1 post or vacancy is to be filled, the qualifications, if any, which must be possessed by
2 a person filling the post or vacancy, and the name of the person nominated by the chief
3 executive;

4 (B) Within 20 days after the date the notice described in subparagraph (A) of this
5 subsection is received, the commission, either at a regular or called meeting, shall
6 confirm or reject the nominee of the chief executive; and

7 (C) If the nominee of the chief executive is rejected by the commission, then the
8 process in subparagraphs (A) and (B) of this paragraph shall be repeated, beginning ten
9 days after such rejection, until the commission approves a person nominated by the
10 chief executive.

11 (2) When the need to fill a post or vacancy is known by the chief executive at least 60
12 days in advance of the date on which the post or vacancy should be filled, the chief
13 executive shall initiate the procedures provided by paragraph (1) of this subsection far
14 enough in advance to permit such post or vacancy to be filled at the proper time. In all
15 other cases, the chief executive shall initiate such procedures as soon as practicable after
16 learning of the need to fill the post or vacancy.

17 (b) When a law described in subsection (a) of this section authorizes a person elected or
18 appointed to fill a post or vacancy to be removed from office by a county governing
19 authority, such power of removal may be exercised by the affirmative vote of at least four
20 members of the commission. Such power of removal may be exercised by the commission
21 without the concurrence of the chief executive, but the chief executive may recommend
22 such removal to the commission.

23 (c) Whenever any other law of this state authorizes or requires the chairman of the board
24 of commissioners of a county or the elected chief executive officer of a county, by
25 whatever name designated, to hold another office or to serve as a member of any public
26 authority, board, commission, or other body or agency, such law shall be construed to grant
27 such authority or apply such requirement to the chief executive.

28 (d) Whenever any other law of this state refers, for purposes other than those described in
29 subsection (c) of this section, to the chairman of the board of commissioners of a county
30 or to the elected chief executive officer of a county, by whatever name designated, such
31 law shall be construed to refer to the chief executive."

32 **SECTION 12.**

33 Said Act is further amended by revising Section 14 as follows:

1 "SECTION 14.

2 Executive assistant; administrators.

3 (a) Subject to the qualifications for said office as hereinafter provided in this section, the
4 chief executive shall nominate, and the commission shall confirm pursuant to the
5 provisions of paragraph (1) of subsection (a) of Section 13A, an executive assistant. The
6 executive assistant shall be the chief administrative aide to the chief executive and the
7 commission and shall be responsible to the chief executive and the commission for the
8 proper administration of the affairs of the county.

9 (b) When directed to do so by the chief executive, the executive assistant may exercise any
10 of the administrative duties and powers vested in the chief executive by law or by
11 ordinances, rules, and regulations adopted by the commission.

12 (c) The executive assistant shall hold a college degree in public administration, political
13 science, urban affairs, business administration, engineering, or a related field and must
14 have at least five years of experience in a supervisory capacity as an employee, director,
15 administrator, or manager of a city or county government or a state or federal agency or
16 equivalent experience in the private sector or any combination thereof.

17 (d) Reserved.

18 (e) After appointment, the executive assistant shall not take part in the management of any
19 political campaign for any elective public office or hold office in any political party or
20 body. If the executive assistant participates in political activities in violation of this
21 subsection, such participation, by operation of law, shall result in the immediate discharge
22 of the executive assistant, and the office of executive assistant shall be vacant.

23 (f) The chief executive shall also have exclusive power to appoint and remove from office
24 two administrators to assist the executive assistant in such manner as the chief executive
25 shall direct."

26 **SECTION 13.**

27 Said Act is further amended by revising the second unnumbered paragraph of Section 17 as
28 follows:

29 "The chief executive shall cause to be published in the official organ of DeKalb County a
30 copy of the proposed budget along with a notice to the public that a public hearing on the
31 proposed budget shall be held at a time and place certain, which time shall be not less than
32 ten days following the date of the publication. At this public hearing, the commission shall
33 review the proposed budget. It may adopt the budget as presented by the chief executive
34 or it may make such amendments thereto as it deems necessary to maintain the county in
35 a sound financial condition. Nothing herein shall prevent the commission from continuing

1 the hearing on the proposed budget from time to time, provided that the time and place to
2 which the hearing is continued shall be publicly announced at the previous hearing.
3 However, the final budget shall be approved and adopted before March 1 of the year to
4 which it pertains. The final budget shall constitute the commission's appropriations of all
5 funds for such year. The budget may be amended during the calendar year which it covers
6 upon formal action of the commission in a regular meeting, but no increase in
7 appropriations shall be made therein without provision also being made for financing
8 same."

9 **SECTION 14.**

10 Said Act is further amended by revising paragraph (11) of subsection (a) of Section 19 as
11 follows:

12 "(11) Perform such other duties as may be assigned by the chief executive to the extent
13 that they relate reasonably to the functions listed herein."

14 **SECTION 15.**

15 Said Act is further amended by revising Section 22 as follows:

16 **"SECTION 22.**

17 **Officials not to be interested in contracts.**

18 Neither the chief executive nor any member of the commission or other county officer
19 empowered to use public or county funds for the purchase of goods, property, or services of
20 any kind for public or county purposes shall be financially interested, directly or indirectly,
21 in any contract to which the county is a party, either as principal, surety, or otherwise. Such
22 officer and any partner, agent, servant, or employee of a firm of which such officer is a
23 member or by whom he or she is employed shall be prohibited from purchasing from or
24 selling to the county any real or personal property, goods, or services. Any contract made
25 in violation of any of the foregoing provisions shall be void, and the officer so offending
26 shall be removed from office upon proper proceedings instituted by any taxpayer in said
27 county in accordance with the provisions of Section 36-1-14 of the O.C.G.A.; provided,
28 however, that the provisions of this Section shall not be applicable to any contract where
29 such financial interest has been disclosed fully pursuant to Section 22A of this Act and which
30 has been approved, prior to execution, performance, and payment thereon, by a majority vote
31 of the commission by a proper entry on the minutes of the commission."

SECTION 16.

Said Act is further amended by revising paragraph (1) of subsection (a) of Section 22A as follows:

"(a)(1) It is essential to the proper administration and operation of the DeKalb County government that the members of its governing authority be and give the appearance of being independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of the DeKalb County governing authority. Because the attainment of one or more of these ends is impaired whenever there exists or appears to exist a conflict between the private interests and public responsibilities of members of the DeKalb County governing authority, the public interest requires that the General Assembly protect against such conflicts of interest by establishing by law appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist."

SECTION 17.

Said Act is further amended by revising subsections (c), (d), and (e) of Section 22A as follows:

"(c) No member of the governing authority shall:

(1) By the member's conduct give reasonable basis for the impression that any person can improperly influence the member or unduly enjoy the member's favor in the performance of his or her official acts or actions or that the member is affected unduly by the rank or position of or kinship or association with any person;

(2)(A) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or herself or another person if:

(i) It tends to influence him or her in the discharge of his or her official duties; or

(ii) The member recently has been, or is now, or in the near future may be, involved in any official act or action directly affecting the donor or lender.

(B) Subparagraph (A) of this paragraph shall not apply in the case of:

(i) An occasional nonpecuniary gift of insignificant value;

(ii) An award publicly presented in recognition of public service; or

(iii) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of Georgia to engage in the making of such a loan;

(3) Disclose or otherwise use confidential information acquired by virtue of the member's position for his or her or another person's private gain;

(4) Appear on the member's own personal behalf or represent, advise, or appear on the personal behalf of, whether paid or unpaid, any person before any court or before any legislative, administrative, or quasi-judicial board, agency, commission, or committee of

1 the state or of any county or municipality concerning any contract or transaction which
2 is or may be the subject of an official act or action of DeKalb County or otherwise use
3 or attempt to use the member's official position to secure unwarranted privileges or
4 exemptions for himself or herself or other persons;

5 (5) Engage in, accept employment with, or render services for any private business or
6 professional activity when such employment or rendering of services is adverse to and
7 incompatible with the proper discharge of his or her official duties. For the purposes of
8 this paragraph, the employment of a consultant by any business involving matters
9 unrelated to any contract or transaction by or with DeKalb County shall not be deemed
10 incompatible with such consultant's official duties;

11 (6) Acquire an interest in any contract or transaction at a time when the member believes
12 or has reason to believe that such an interest will be affected directly or indirectly by his
13 or her official act or actions or by the official acts or actions of the governing authority
14 of DeKalb County; or

15 (7) Engage in any activity or transaction that is prohibited by law now existing or
16 hereafter enacted which is applicable to the member by virtue of being a member of the
17 governing authority.

18 (d) A member of the governing authority who has an interest that he or she has reason to
19 believe may be affected by the member's official acts or actions or by the official acts or
20 actions of the governing authority of DeKalb County shall disclose the precise nature and
21 value of such interest by sworn written statement to the board of ethics and ask for its
22 opinion as to the propriety of said interest. Every member of the governing authority who
23 knowingly has any interest, direct or indirect, in any contract to which DeKalb County is
24 or is about to become a party, or in any other business with DeKalb County, shall make full
25 disclosure of such interest to the governing authority of DeKalb County and to the board
26 of ethics. The information disclosed by such sworn statements, except for the valuation
27 attributed to the disclosed interest, shall be made a matter of public record by the board of
28 ethics.

29 (e) A member of the governing authority shall disqualify himself or herself from
30 participating in any official act or action of DeKalb County directly affecting a business
31 or activity in which the member has any interest, regardless of whether it is a remote
32 interest."

33 SECTION 18.

34 Said Act is further amended by revising subsections (g) and (h) of Section 22A as follows:

1 "(g) DeKalb County shall not enter into any contract with or take any official act or action
 2 favorably affecting any person or business represented by such person who has been within
 3 the preceding 12-month period a member of the governing authority.

4 (h)(1) This section shall be construed liberally to effectuate its purposes and policies and
 5 to supplement such existing laws as may relate to the conduct of members of the
 6 governing authority.

7 (2) The propriety of any official act or action taken by or transaction involving any
 8 member of the governing authority immediately prior to the time this section shall take
 9 effect shall not be affected by the enactment of this section.

10 (3) The provisions of this section are severable and, if any of its provisions shall be held
 11 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court
 12 shall not affect or impair any of the remaining provisions."

13 **SECTION 19.**

14 Said Act is further amended by revising subparagraph (i)(5)(B) of Section 22A as follows:

15 "(B) To render advisory opinions with respect to the interpretation and application
 16 of this section to all persons who seek such opinions regarding whether a particular
 17 course of conduct would constitute a violation of the standards imposed in this section
 18 or other applicable ethical standards. Such opinions shall be binding on the board of
 19 ethics in any subsequent complaint concerning the person who sought the opinion and
 20 acted in good faith, unless material facts were omitted or misstated in the request for
 21 the advisory opinion;".

22 **SECTION 20.**

23 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the
 24 election superintendent of DeKalb County shall call and conduct a special election for the
 25 purpose of submitting this Act to the electors of DeKalb County for approval or rejection.
 26 The election superintendent shall conduct that election on the Tuesday after the first Monday
 27 in November, 2008. The election superintendent shall issue the call and conduct that election
 28 as provided by general law. The superintendent shall cause the date and purpose of the
 29 election to be published once a week for two weeks immediately preceding the date thereof
 30 in the official organ of DeKalb County. The ballot shall have written or printed thereon the
 31 words:

32 "() YES Shall the Act be approved which revises the qualifications, powers, and
 33 () NO duties of the chief executive officer, the executive assistant, and members
 34 of the county commission and increases the membership of the commission
 35 to nine members?"

1 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
2 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
3 such question are for the approval of the Act, Sections 1 through 19 of this Act shall become
4 of full force and effect on the first day of the month immediately following such election.
5 If the Act is not approved or if the election is not conducted as provided in this section,
6 Sections 1 through 19 of this Act shall not become effective, and this Act shall be
7 automatically repealed on the first day of January immediately following that election date.
8 The expense of such election shall be borne by DeKalb County. It shall be the duty of the
9 election superintendent of DeKalb County to certify the results thereof to the Secretary of
10 State.

11 **SECTION 21.**

12 The governing authority of DeKalb County shall through its legal counsel cause this Act to
13 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
14 such submission shall be made to the United States Department of Justice or filed with the
15 appropriate court no later than 45 days after the date on which this Act is approved by the
16 Governor or otherwise becomes law without such approval.

17 **SECTION 22.**

18 Except as otherwise provided in Section 20 of this Act, this Act shall become effective upon
19 its approval by the Governor or its becoming law without such approval.

20 **SECTION 23.**

21 All laws and parts of laws in conflict with this Act are repealed.